PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, FEBRUARY 24 1981

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING February 24 A.D., 1981, IN Regular SESSION. PRESIDENT John Nuckols IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BURNS X, EISBART X, GiaQUINTA X,
NUCKOLS X, SCHMIDT, D. A, SCHMIDT, V. X,
SCHOMBURG X, STIER X, TALARICO X,
ABSENT
COUNCILMAN , , ,
, , ,

THE INVOCATION WAS GIVEN BY Reverend Cornelius Baker

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF , 19 . MOTION MADE AND CARRIED THAT REPORT BE MADE A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR , 19 ,
, 19 ,
SPECIAL February 17 , 1981,
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

The City of Fort Wayne
Office of the Mayor

February 19, 1981

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, February 19, 1981, I have approved the following ordinances passed by the Common Council at its special meeting on February 17, 1981.

(Bill No. S-81-01-19)
SPECIAL ORDINANCE NO. S-36-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1980 (HERBERT P. HATFIELD & ALICE M. HATFIELD)" and approving other actions in respect thereto

(Bill No. S-81-01-20)
SPECIAL ORDINANCE NO. S-37-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Industrial Development Revenue Bonds, Series 1981, E. David & Evelyn Freeman, Lynn & Carol J. Klopfenstein, Phyllis A. & William J. Rudolph, Eleanor W. Hall, Charles W & Bette L. Harris, Arnold J. Conrad, and W. Ronald & Joan Phillips and approving other actions in respect thereto

(Bill No. S-81-01-21)
SPECIAL ORDINANCE NO. S-38-81

AN ORDINANCE approving an Agreement for an aerial survey between the City of Fort Wayne, Indiana and Air Maps, Jnc.

(Bill No. R-80-11-04)
RESOLUTION NO. R-07-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $4,670,000.00 Economic Revenue Bonds of the City of Fort Wayne,

Indiana, for the purpose of inducing the Applicant, Wilbert & Peggy Hamstra, to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-81-01-08)
RESOLUTION NO. R-08-81

A RESOLUTION finding, determining and ratifying an Inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $1,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Gladieux Refinery, Inc. to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-81-01-09)
RESOLUTION NO. R-09-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $750,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, The Beverly Partnership to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-81-01-27)
RESOLUTION NO. R-10-81

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $500,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, GIC Corporation to proceed with a portion of the interior construction and equipping of the Project

(Bill No. R-81-02-04)
RESOLUTION NO. R-11-81

A RESOLUTION opposing the passage of House Bill No. 1032

(Bill No. R-81-02-05)
RESOLUTION NO. R-12-81

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. R-81-02-06)
RESOLUTION NO. R-13-81

A RESOLUTION authorizing payment to an agency for replacement of various signs throughout the City

(Bill No. R-81-02-08)
RESOLUTION NO. R-14-81

A RESOLUTION approving the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1981

(Bill No. Z-80-10-13)
(as amended)
ZONING MAP ORDINANCE NO. Z-03-81

AN ORDINANCE amending the City of Fort Wayne Zoning Map R-10

(Bill No. Z-80-12-14)
ZONING MAP ORDINANCE NO. Z-04-81

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-34

(Bill No. Z-80-12-31)
ZONING MAP NO. Z-05-81

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14

(Bill No. G-80-12-32)
GENERAL ORDINANCE NO. G-02-81

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley

(Bill No. G-81-01-24)
GENERAL ORDINANCE NO. G-03-81

AN ORDINANCE amending certain Sections of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974

(Bill No. S-81-01-25)
SPECIAL ORDINANCE NO. S-39-81

AN ORDINANCE approving Civil City Purchase Order No. 4-09258i with Dailey Asphalt Products Company, Inc. for repaving for the Traffic Engineering Department

(Bill No. S-81-01-26)
SPECIAL ORDINANCE NO. S-40-81

AN ORDINANCE approving City Utilities Purcha se Order No. 9906 with Poinsatte Motors, Inc. for a vehicle for the Water Pollution Control Plant

Respectfully yours,

Win Moses, Jr.
Mayor

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 11/81/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Julianne Richardson

Julianne Richardson, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 11/81/D)

I hereby certify that I did this 17th day of February, 1981 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 11/81/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Julianne Richardson

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 11/81/D

(Adopted February 17, 1981)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter delegates to this Board authority to PREFERENTIAL INTERSECTION (DELEGATED)

_____

_____

_____

_____

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 11, 1981, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 14 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective February 17, 1981, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Hoagland Ave. -- pref. -- at N. Cornell Circle

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

donald j. schmidt

councilman, 2nd district

February 23, 1981

To the Common Council Members
Gentlemen and Mrs. Schmidt:

I shall be unable to attend this evening's meeting because of previous commitments.

Sincerely,

Donald J. Schmidt
Councilman, 2nd district

AN EQUAL OPPORTUNITY EMPLOYER

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BARRETT, BARRETT & MCNAGNY
LAWYERS
THIRD FLOOR LINCOLN BANK TOWER
POST OFFICE BOX 2263
FORT WAYNE, INDIANA
46801

WILLIAM F. MCNAGNY
JAMES M. BARRETT III
J. MICHAEL O'HARA
MILES C. GERBERDING
PAUL S. STEIGMEYER
JOHN M. CLIFTON, JR.
DOUGLAS E. MILLER
ROBERT S. WALTERS
JOHN F. LYONS
N. THOMAS HORTON II
JAMES M. PRICKETT
WAYNE L. WITMER
WILLIAM L. SWEET, JR.
THOMAS M. FINK
GARY J. RICKNER
JOHN D. WALDA
JAMES KODAY
JAMES P. FENTON
JOHN P. MARTIN
ALAN VERPLANCK
DENNIS C. BECKER
PATRICK E. HOOG
CHARLES W. MCNAGNY

JAMES M. BARRETT 1929
PHIL M. MCNAGNY 1969
OTTO E. GRANT, JR. 1969
JAMES M. BARRETT, JR 1979

TELEPHONE 423-9551
AREA CODE 219

MENTOR KRAUS
J. A. BRUGGEMAN
OF COUNSEL

February 18, 1981

Common Council of the City of
Fort Wayne
c/o John Nuckols, President
City-County Building
Fort Wayne, Indiana 46802

Re: Apple Glen
Our client, Duane Bobeck,
Developer

Dear Members of Council:

We have been advised that Council has voted to refuse to remand its rejection of the Apple Glen ordinance to the City Plan Commission in violation of IC 18-7-4-510, which requires such a remand with a written statement of reasons for the rejection. That the cited statute is applicable is without question, see Town of Merrillville v. Collins (1978), 382 NE 2d 188, and Wildwood Park Community Assoc. v. Fort Wayne City Plan Com'n. (1979), 396 NE 2d 678, 685 f.n. 11. There is also no question that remand to City Plan with written reasons is mandatory according to the statute; it is not a matter of discretion.

The deliberate attempt of five Council members to disobey the law, contrary to the advice of their own attorney and to their professional and public oaths, will not go unrecognized. Suffice it to say, however, that if Council does not reject the ordinance by a 75% vote on or before the 120th day following the Plan Commission's certification, the ordinance will become law pursuant to IC 18-7-4-509,

Town of Merrillville, supra. Members of the Council may not wish to follow the law, but their actions will not deprive all the citizens of this community of their statutory rights.

Very truly yours,

BARRETT, BARRETT & McNAGNY

Douglas E. Miller

DeVOSS & SCOTT

Harry W. Scott

ATTORNEYS FOR DUANE BOBECK

DEM:lcp

cc: Mr. John Logan
Mr. Charles Westerman, City Clerk
Mr. George Martin
Mr. Duane Bobeck

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 24th day of February, 1981 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____.

_____
Charles W. Westerman
City Clerk